



**UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/466,921	06/06/95	ALIZON	M 03459.0008-0

HM21/0916  
FINNEGAN HENDERSON FARABOW  
GARRETT AND DUNNER  
1300 I STREET NW  
WASHINGTON DC 20005-3315

EXAMINER

PARKIN, J

ART UNIT PAPER NUMBER

1648

DATE MAILED:

09/16/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

**Advisory Action**Application No.  
**08/466,921**Applicant(s)  
**Alizon et al.**Examiner  
**Jeffrey S. Parkin, Ph.D.**Group Art Unit  
**1648****THE PERIOD FOR RESPONSE:** [check only a) or b)]

- a) ☒ expires 5 months from the mailing date of the final rejection.
- b) ☐ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on \_\_\_\_\_ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

**Applicant's response to the final rejection, filed on 17 Aug 1998 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:**

- ☒ The proposed amendment(s):
- ☐ will be entered upon filing of a Notice of Appeal and an Appeal Brief.
  - ☒ will not be entered because:
    - ☒ they raise new issues that would require further consideration and/or search. (See note below).
    - ☒ they raise the issue of new matter. (See note below).
    - ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
    - ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

**NOTE:** Applicants amendment to the claim language introduces additional limitations (i.e., directed toward low stringency hybridization conditions comprising a hybridization reaction involving 20% formamide, 8X SSC,

- ☐ Applicant's response has overcome the following rejection(s):

- ☐ Newly proposed or amended claims \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.
- ☐ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:
- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: 39-45

Claims objected to: \_\_\_\_\_

Claims rejected: 28, 29, and 32-38

- ☐ The proposed drawing correction filed on \_\_\_\_\_ ☐ has ☐ has not been approved by the Examiner.
- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

- ☒ Other at 37 deg. and washing conditions of 2X SSC, 0.1% SDS, at 37 deg.) that would constitute new matter and require further consideration. However, the Examiner has included suggested revisions to the claim language that would obviate the existing rejections.

**PONNATHAPURA ACHUTAMURTHY**  
PATENT EXAMINER  
GROUP 1800

**JEFFREY S. PARKIN, PH.D.**  
PATENT EXAMINER  
ART UNIT 1648

Serial No.: 08/466,921  
Applicants: Alizon et al.

Docket No.: 3495.0008-09  
Filing Date: 06/06/95

**Advisory Action (contd.)**

***Suggested Allowable Claim Language***

5      Claim 32.      A purified HIV-1 DNA fragment consisting of a restriction  
                         fragment generated by the *Bam* HI site at approximately  
                         8150 to the *Bgl* II site at approximately 9150, wherein  
                         said numbering scheme is based upon the restriction map  
                         of LAV isolate  $\lambda$ J19.

10      Claim 33.      A purified HIV-1 DNA fragment consisting of a restriction  
                         fragment generated by the *Bam* HI site at approximately  
                         8150 to the *Bgl* II site at approximately 8750, wherein  
                         said numbering scheme is based upon the restriction map  
                         of LAV isolate  $\lambda$ J19.

15      Claim 34.      A purified HIV-1 DNA fragment consisting of a restriction  
                         fragment generated by the *Kpn* I site at approximately  
                         6100 to the *Bgl* II site at approximately 6500, wherein  
                         said numbering scheme is based upon the restriction map  
                         of LAV isolate  $\lambda$ J19.

20      Claim 35.      A purified HIV-1 DNA fragment consisting of a restriction  
                         fragment generated by the *Kpn* I site at approximately  
                         6100 to the *Bgl* II site at approximately 8750, wherein  
                         said numbering scheme is based upon the restriction map  
                         of LAV isolate  $\lambda$ J19.

25      Claim 36.      A purified HIV-1 DNA fragment consisting of a restriction  
                         fragment generated by the *Kpn* I site at approximately  
                         6100 to the *Bgl* II site at approximately 9150, wherein  
                         said numbering scheme is based upon the restriction map

of LAV isolate  $\lambda$ J19.

5      Claim 37.      A purified HIV-1 DNA fragment consisting of a restriction  
                         fragment generated by the *Kpn* I site at approximately  
                         3500 to the *Bgl* II site at approximately 6100, wherein  
                         said numbering scheme is based upon the restriction map  
                         of LAV isolate  $\lambda$ J19.

10      Claim 38.      A purified HIV-1 DNA fragment consisting of a restriction  
                         fragment generated by the *Kpn* I site at approximately  
                         3900 to the *Kpn* I site at approximately 6100, wherein  
                         said numbering scheme is based upon the restriction map  
                         of LAV isolate  $\lambda$ J19.

15      Claims 28 and 29 would be allowable if limited to allowed claims 39-  
                         45, or if the aforementioned suggestions are incorporated into claims  
                         32-38.